

NOTICE OF HEARING AND LETTING

NOTICE OF PUBLIC HEARING ON PROPOSED PLANS, SPECIFICATIONS, FORM OF CONTRACT AND ESTIMATE OF COST FOR THE **CONSTRUCTION OF THE 2010 STREET PATCHING PROGRAM – PHASE III** FOR THE CITY OF ANKENY, IOWA, AND FOR THE TAKING OF BIDS THEREFORE.

Sealed proposals will be received by the City Clerk of the City of Ankeny, Iowa, in the City Council Chambers, City Hall, 410 West First Street, Ankeny, Iowa, before **1:30 P.M. on the 2nd day of June, 2010**, for the construction of **2010 Street Patching Program – Phase III** as described in the plans and specifications heretofore on file in the office of the City Clerk. Proposals will be opened and the amount of the bids announced in said Council Chambers by the City Manager or his designee at the time and date specified above.

Also, at **5:30 P.M. on the 7th day of June, 2010**, the City Council of said City will, in said Council Chambers, hold a hearing whereat said Council will resolve to adopt plans, specifications, form of contract and estimate of cost and, at the time, date and place specified above, or at such time, date and place as then may be fixed, to act upon proposals and enter into contract for the construction of said improvements.

At said hearing, the City Council will consider the proposed plans, specifications, form of contract and estimate of cost for the project, the same now being on file in the office of the City Clerk, reference to which is made for a more detailed and complete description of the proposed improvements, and at said time and place the said Council will also receive and consider any comments/objections to said plans, specifications and form of contract or to the estimated cost of said improvements made by any interested party.

The work to be done includes the following:

The 2010 Street Patching Program – Phase III involves the full depth replacement of approximately 1,860 SY of 7” and 1,435 SY of 9” PCC paving and 230 SY of 6” driveway approaches. Placing approximately 280 LF of curb and gutter section and the rebuilding of 3 existing street intakes of various depths and types. Other work includes, traffic control, sod restoration, furnish and installment of 3-piece floating manhole castings, fixture adjustment and associated work.

All work and materials are to be in accordance with the proposed plans, specifications, form of contract and estimate of cost now on file in the office of the City Clerk of Ankeny, Iowa, and by this reference made a part as though fully set out and incorporated herein.

All bid proposals in connection therewith shall be submitted to the City Clerk of said City on or before the time set forth herein. All proposals shall be made on official bidding blanks furnished by the City, and any irregularities in the official proposal will entitle the Council, at its option, to reject the proposal involved from consideration. Each proposal shall be sealed and plainly identified.

Each proposal shall be made out on a blank form identical to that included in the project documents and must be accompanied in a separate sealed envelope by either (1) a certified or cashier's check, drawn on a solvent Iowa bank or a bank chartered under the laws of the United States, or a certified share draft drawn on a credit union in Iowa or chartered under the laws of the United States, in an amount equal to 10% of the bid, or (2) a bid bond executed by a corporation authorized to contract as a surety in the State of Iowa, in the penal sum of 10% of the bid.

The bid security must be made payable to THE CITY OF ANKENY, IOWA. The bid security must not contain any conditions either in the body or as an endorsement thereon. The bid security shall be forfeited to the City as liquidated damages in the event the successful bidder fails or refuses to enter into a contract within 30 days after the award of contract and to post bonds satisfactory to the City insuring the faithful fulfillment of the contract and the maintenance of said work, if required, pursuant to the provisions of this notice and other contract documents. Bidders shall use the bid bond form included in the specifications or of a corporate form approvable to the City of Ankeny, Iowa.

By virtue of statutory authority, a preference will be given to products and provisions grown and coal produced within the State of Iowa, and to Iowa and City of Ankeny labor forces.

The successful bidder(s) shall provide proof of registration with the Iowa Division of Labor in accordance with Chapter 91C of the Code of Iowa.

The City Council reserves the right to reject any or all bids, to waive informalities, irregularities or technicalities in any bid and to accept the bid which it deems to be in the best interest of the City.

The successful bidder(s) will be required to furnish bonds in an amount equal to one hundred (100) percent of the contract price; said bonds to be issued by a responsible surety approved by the City Council and shall (1) guarantee the faithful performance of the contract and the terms and conditions therein contained; shall (2) guarantee the prompt payment for all materials and labor and protect and save harmless the City from claims and damages of any kind used by the operations of the Contractor; and shall (3) guarantee the work against faulty workmanship and materials for the following periods after its completion and acceptance by the City Council:

All Components – 4 years

The work shall commence within ten (10) calendar days after the date set forth in written Notice to Proceed. The Notice will be issued on or about **June 16, 2010**. All work on the project, shall be completed by **September 30, 2010**.

Payment of the cost of said project will be made from any one or a combination of the following sources at the discretion of the Council:

- 1) Cash funds on hand available to the City for payment of costs incurred related to the construction of this project.
- 2) When cash funds are not available, payments shall be made with warrant(s) drawing interest at the rate of twelve (12%) percent per annum, or at such lesser rate as may be mutually agreed upon, authorized by §384.57 of the Code of Iowa, as amended, drawn on this project fund; anticipating the collection of cash monies from bonds as may be legally used for this project the City will pay the holders of the warrants issued their accrued money; the City typically makes arrangements with a local bank whereby the Contractor can sell their warrant to the bank for full face value; warrants will be bought back by the City, with interest, at such timely future date as the City has funds legally available for such purposes.

Payment will be made to the Contractor based on monthly estimates in amounts equal to ninety-five (95%) percent of the contract value of the work completed including materials and equipment delivered to the job during the preceding calendar month, and will be based upon an estimate prepared by the Contractor on the first day of the month, subject to the approval of the Engineer.

The Engineer will certify to the Council for payment of each approved estimate on or before the tenth (10th) day of the month. Such monthly payments shall in no way be construed as an act of acceptance for any part of the work partially or totally completed. The balance of the five (5) percent due the Contractor will be paid not earlier than thirty-one (31) days from the date of final acceptance of said work by the City, subject to the conditions and in accordance with the provisions of Chapter 573 of the Code of Iowa. No such partial or final payment will be due until the Contractor has certified to the City Clerk that the materials, labor and services involved in each estimate have been paid for in accordance with the requirements stated in the specifications.

A sales tax exemption certificate will be available for all material purchased for incorporation in the project. Contractor also must file appropriate lien waivers before final payment will be released.

Liquidated damages in the following amounts per consecutive calendar day will be assessed for each day that the work remains uncompleted after the interim completion date and after the end of the contract period.

<u>CONTRACT</u>	<u>AMOUNT</u>
Entire Project (September 30, 2010)	\$200

Plans and specifications governing the construction of the proposed improvements, and also the prior proceedings of the City Council referring to and defining said proposed improvements are hereby made a part of this notice and the proposed contract by reference and the proposed contract shall be executed in compliance therewith.

Copies of said plans and specifications and form of contract are now on file in the office of the City Clerk. Copies of the project documents may be obtained from the City of Ankeny Public Works Department, at 220 West First Street, Ankeny, Iowa 50023.

This notice is given by order of the City Council of the City of Ankeny, Iowa.

Dated at Ankeny, Iowa, this **3rd** day of **May**, 2010.

Steven D. Van Oort, Mayor

ATTEST:

Pamela DeMouth, City Clerk

Published in the Des Moines Register the 21st day of May, 2010.